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July 6, 2023

Ms. A. Shonta Dunston
Chief Clerk
N.C. Utilities Commission
430 N. Salisbury Street, Room 5063
Raleigh, NC 27603

**Re: *New River Light and Power Company
Motion to Excuse Appearance of New River Light and Power Company's
Rebuttal Witness, David Stark, and to Accept Pre-filed Rebuttal Testimony
into Record
Docket No. E-34, Subs 54 and 55***

Dear Ms. Dunston:

Attached hereto, on behalf of New River Light and Power Company, is a Motion to Excuse Appearance of Rebuttal Witness David Stark and to Accept Pre-filed Rebuttal Testimony into Record.

If you have any questions concerning this filing, please do not hesitate to contact me.

Sincerely,

/s/ M. Gray Styers, Jr.

M. Gray Styers, Jr.

pbb

Attachment

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JUL 06 2023



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cc: Parties and Counsel of Record
NC Commission Staff
NC Public Staff

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STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH

DOCKET NO. E-34, SUB 54
DOCKET NO. E-34, SUB 55

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of

| | | |
|-----------------------------------|---|------------------------------|
| Docket E-34, Sub 54 |) | |
| |) | |
| Application of Appalachian State |) | |
| University, d/b/a New River Light |) | |
| and Power Company for |) | |
| Adjustment of General Base |) | |
| Rates and Charges Applicable to |) | |
| Electric Service |) | MOTION TO EXCUSE APPEARANCE |
| |) | OF NEW RIVER LIGHT & POWER'S |
| <u>And</u> |) | REBUTTAL WITNESS |
| |) | DAVID STARK |
| Docket E-34, Sub 55 |) | AND TO ACCEPT PRE-FILED |
| |) | REBUTTAL TESTIMONY INTO |
| Petition of Appalachian State |) | RECORD |
| University d/b/a New River Light |) | |
| & Power for an Accounting Order |) | |
| to Defer Certain Capital Costs |) | |
| and New Tax Expenses |) | |

New River Light & Power Company ("NRLP"), by and through its counsel, hereby moves the Commission for an Order (1) excusing the appearance of its rebuttal witness David Stark ("Stark") at the expert witness hearing scheduled in this combined proceeding beginning on Monday, July 10, 2023, and (2) allowing the introduction of Stark's pre-filed Rebuttal Testimony into the record without the appearance of the witness. In support of this request, NRLP respectfully shows the Commission as follows:

1. In Docket No. E-34, Sub 54, NRLP's is requesting for adjustment of general base rates and charges applicable to electric service.
2. In docket E-34, Sub 55, NRLP's is requesting an accounting order to defer certain capital costs and its incurred UBIT tax expense in past years as set forth in the Petition filed in that docket.
3. On February 1, 2023, the Commission issued an Order to Consolidate the dockets.
4. On June 23, 2023, NRLP pre-filed the Rebuttal Testimony of Stark in these combined dockets specifically and only addressing the UBIT expense deferral issue ("UBIT Recovery Issue").
5. NRLP and the Public Staff have entered into a Stipulation of Settlement, filed in these combined dockets on July 5, 2023 that memorializes their agreement on the UBIT Recovery Issue. No other party in the dockets has pre-filed testimony related to the UBIT Recovery Issue.
6. Counsel for NRLP has conferred with all parties to these dockets, and all have responded that they have no objection to this motion.

WHEREFORE, there being no objection by any party, NRLP respectfully requests that the Commission enter an Order (1) excusing the appearance of witness Stark at the expert witness hearing scheduled in this proceeding beginning on Monday, July 10, 2023, and (2) allowing the introduction of Stark's pre-filed Rebuttal Testimony into the record at such hearing without the appearance of this witness.

Respectfully submitted this the 6th day of July, 2023.

FOX ROTHSCHILD LLP

By: /s/ M. Gray Styers, Jr.

M. Gray Styers, Jr.

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Attorneys for

New River Light and Power Company

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing **Motion to Excuse Appearance of New River Light and Power's Rebuttal Witness David Stark, and to Accept Pre-Filed Rebuttal Testimony into Record** has been served on all parties and counsel of record in the referenced docket and on members of the NC Public Staff by either depositing same in a depository of the United States Postal Service, first-class postage prepaid and mailed to the address stated on the Commission's Service List, or via electronic delivery.

This the 6th day of July, 2023.

FOX ROTHSCHILD LLP

By: /s/ M. Gray Styers, Jr.

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